

## **REMARKS**

By this amendment, claims 1, 3, 6, 7, 13-15, 18, 19, 25 and 27-29 are amended, and claims 2, 10, 22 and 26 are cancelled, without prejudice or disclaimer of the subject matter therein. Claims 1, 3-9, 11-21, 23-25 and 27-29 are pending and under consideration.

No new matter has been added, and no new issues of patentability have been raised, as result of this amendment. The following remarks are respectfully submitted.

### **I. Objections to the Claims**

Claims 24-27 stand objected to because of informalities. Applicants wish to extend their gratitude to the Examiner for bringing the informalities to their attention. Applicant has corrected the numbering of the final four claims, from “24”, “25”, “26” and “27” to “26”, “27”, “28” and “29”, and respectfully requests that the Examiner withdraw the objection to the previously incorrectly numbered claims.

### **II. Rejections under 35 USC §102**

Claims 1-2, 5-8, 10-15, 17-20, 22-26 and 28-29 stand rejected under 35 USC § 102(e), as being anticipated by King (US Patent Publication 20030088301 A1). Applicant has cancelled claims 2, 10, 22 and 26, without prejudice or disclaimer of the subject matter therein, rendering the rejection of these claims moot. Applicant respectfully traverses the rejection of claims 1, 5-8, 11-15, 17-20, 23-25 and 28-29, based on the argument and supporting discussion presented below.

Applicant respectfully asserts that King neither teaches or suggests a paddle having an electrode array and an orientation marker, as is defined by claims 1, 5-8, 11-15, 17-20, 23-25 and 28-29 of the present application. Independent apparatus claims 1 and 13 both define a medical lead comprising a generally flat paddle on a distal end of a body of the lead, wherein the paddle has first and second major surfaces and an orientation marker for determining an orientation of the paddle. Claim 1 further defines the paddle to have at least one electrode, which is exposed through the first major surface and is insulated by the second major surface, thereby having directional electrical field properties relative to the first and second major surfaces of the paddle; and claim 13 further defines the paddle to have an electrode array, which is displaced along a length of the paddle and which also has directional electrical field properties relative to the first and second major surfaces of the paddle. Independent method claim 25 defines a method of use of a medical lead, the method comprising implanting the lead and then fluoroscopically viewing an orientation marker provided on a paddle on a distal end of a body of the lead in order to determine an orientation of a first major surface of the paddle through which at least one electrode of an electrode array of the paddle is exposed. In contrast, King describes a lead having a tip or distal ending 14 through which extendable members 32 are passed distally so that the most distal parts of the members 32 are “no longer constrained by the confines of the lead body” (reference paragraph [0050]). These most distal parts are defined by King to be electrodes 33, which are each “formed from a curling of the tip of one extendable member 32 after it has passed out of the lead’s distal tip 14” (reference paragraph [0051]). In paragraph [0057] on page 5, with reference to Figure 5, King further describes each member 32 as extending beyond the lead tip 14, to allow lateral positioning of electrodes 33. Thus, upon careful review of the King reference, it is apparent that none of the embodiments disclosed by King include a paddle, let alone a paddle having an electrode array and an orientation marker for determining an orientation of the paddle.

In light of the argument presented above, Applicant respectfully requests that the Examiner withdraw the rejection of claims 1, 5-8, 11-15, 17-20, 23-25 and 28-29

### **III. Rejections under 35 USC §103**

Claims 4, 16 and 26 stand rejected under 35 USC § 102(e) as being anticipated by or, in the alternative, under 35 USC § 103(a) as being obvious over King (US Patent Publication 20030088301 A1). Applicant respectfully traverses the rejection of claims 4, 16 and 26, based on the argument presented above for independent claims 1, 13 and 25, and respectfully requests that the Examiner withdraw the rejection of claims 4, 16 and 26.

Claims 9 and 21 stand rejected under 35 USC § 103(a) as being unpatentable over King (US Patent Publication 20030088301 A1). Applicant respectfully traverses the rejection of claims 9 and 21, based on the argument presented above for independent claims 1 and 13, and respectfully requests that the Examiner withdraw the rejection of claims 9 and 21.

#### **IV. Conclusion**

In view of the foregoing, Applicant respectfully requests reconsideration and allowance of the pending claims. In the event the US Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account 061910 referencing docket number 539.3113.1. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned agent to attend to these matters.

Respectfully submitted,

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